

**EXHIBIT E**

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**ANSC**  
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Best Buy Co., Inc. and Best I

## DISTRICT COURT

## **CLARK COUNTY, NEVADA**

LORREN STEARMAN, individually, ) Case No. A-23-869756-C  
vs. )  
Plaintiff, ) Dept. 9  
vs. )  
 ) DEFENDANTS BEST BUY CO., INC. AND BEST  
BEST BUY CO., INC.; BEST BUY ) BUY STORES, L.P.'S ANSWER TO  
STORES, L.P.; DOE INDIVIDUALS ) PLAINTIFF'S COMPLAINT  
I-X, inclusive; and ROE )  
CORPORATIONS I-X, inclusive, )  
Defendants. )

Defendant, BEST BUY CO., INC. and BEST BUY STORES, L.P. (collectively “Best Buy”), by and through its counsel Jack P. Burden, Esq. and Lisa M. Szyc, Esq. of BACKUS | BURDEN, hereby files its Answer to Plaintiff LORREN STEARMAN Complaint by admitting, denying, and affirmatively alleging as follows:

1. Best Buy denies each of the allegations contained within the Complaint unless admitted to or more specifically pled to below.

## **GENERAL ALLEGATIONS**

2. Answering paragraphs 1, 4, 5, 6, 7 and 8 of the Complaint, Best Buy states that it is without sufficient knowledge or information necessary to form a belief as to the truth or falsity of the allegations contained therein and, upon said grounds, denies the same.

3. Answering paragraphs 2, and 3 of the Complaint, Best Buy admits it is a foreign entity licensed to do business in Clark County, Nevada and denies all other allegations contained therein.

4. Defendants deny paragraph 9 of Plaintiff's Complaint.

## **CLAIMS FOR RELIEF**

**FIRST CAUSE OF ACTION**  
**(NEGLIGENCE AS TO ALL DEFENDANTS)**

5. Answering paragraph 10 of the Complaint, Best Buy restates and realleges each and every allegation, admission, and denial previously set forth in this Answer and incorporates the same herein by reference.

6. Answering paragraphs 11, 12 and 13, Defendants admit to all duties promulgated in Nevada, but deny any wrongdoing.

7. Defendants deny paragraphs 14, 15, 16, 17, 18, and 19 of Plaintiff's Complaint.

## **AFFIRMATIVE DEFENSES**

## FIRST AFFIRMATIVE DEFENSE

The allegations of Plaintiff's Complaint fail to state a cause of action upon which relief can be granted.

## **SECOND AFFIRMATIVE DEFENSE**

Best Buy alleges that the subject incident was not the legal cause of Plaintiff's alleged injuries.

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### **THIRD AFFIRMATIVE DEFENSE**

Best Buy alleges that the subject ladder was an open and obvious danger in accordance with NRS 41.141.

## **FOURTH AFFIRMATIVE DEFENSE**

Best Buy alleges that Plaintiff has failed to name a party necessary for full and adequate relief essential in this action.

## **FIFTH AFFIRMATIVE DEFENSE**

Best Buy's actions or lack of action was not the proximate cause the damages alleged by Plaintiff.

## SIXTH AFFIRMATIVE DEFENSE

Plaintiff's injuries, or portions thereof, pre-existed the claimed incident.

## **SEVENTH AFFIRMATIVE DEFENSE**

The damages to Plaintiff, if any, were proximately caused or contributed to by Plaintiff's own negligence, fault or responsibility and such negligence, fault or responsibility must be compared to that of this Answering Defendant, if any is proven, in accordance with NRS 41.141.

## **EIGHTH AFFIRMATIVE DEFENSE**

Plaintiff has failed to mitigate his damages.

## NINTH AFFIRMATIVE DEFENSE

Plaintiff is barred from recovering any special damages herein for failure to specifically allege the items of special damages claimed, pursuant to Nevada Rule of Civil Procedure 9(g).

## **TENTH AFFIRMATIVE DEFENSE**

Defendants hereby incorporate by reference those affirmative defenses enumerated in Rule 8 of the Nevada Rules of Civil Procedure as if fully set forth herein. In the event further investigation or discovery reveals the applicability of any such defenses, this answering Defendant reserves the right to seek leave of court to amend this Answer to the Complaint to specifically

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**LAS VEGAS, NEVADA 89117**

1 assert any such defense. Such defenses are herein incorporated by reference for the specific  
2 purpose of not waiving any such defenses.

3 **ELEVENTH AFFIRMATIVE DEFENSE**

4 Pursuant to Rule 11 of the Nevada Rules of Civil Procedure, all possible affirmative  
5 defenses may not have been alleged herein insofar as sufficient facts were not available after  
6 reasonable inquiry upon filing of this Answer to the Complaint, and therefore this answering  
7 Defendant reserves its right to amend this Answer to the Complaint as additional information  
8 becomes available.

9 . WHEREFORE, Defendant BEST BUY, CO, and BEST BUY STORES L.P., prays for  
10 Judgment as follows:

- 11
- 12 1. That Plaintiff takes nothing by virtue of this action and that same be dismissed with  
13 prejudice,
- 14 2. For attorneys' fees and costs incurred herein; and
- 15 3. For such other and further relief as the Court may deem fit and proper.

16 Dated this 25<sup>th</sup> day of May, 2023.

17  
18 Respectfully submitted,

19  
20 **BACKUS | BURDEN**

21 By: Jack P. Burden  
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26 *Attorney for Defendants*

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**CERTIFICATE OF SERVICE**

I am a resident of and employed in Clark County, Nevada. I am over the age of 18 years and not a party to the within action. My business address is: 3050 South Durango Drive, Las Vegas, Nevada, 89117.

On May 25, 2023 I served this document on the parties listed on the attached service list via one or more of the methods of service described below as indicated next to the name of the served individual or entity by a checked box:

**VIA U.S. MAIL:** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada. I am "readily familiar" with the firm's practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

**VIA FACSIMILE:** by transmitting to a facsimile machine maintained by the attorney or the party who has filed a written consent for such manner of service.

**BY PERSONAL SERVICE:** by personally hand-delivering or causing to be hand delivered by such designated individual whose particular duties include delivery of such on behalf of the firm, addressed to the individual(s) listed, signed by such individual or his/her representative accepting on his/her behalf. A receipt of copy signed and dated by such an individual confirming delivery of the document will be maintained with the document and is attached.

**BY E-MAIL:** by transmitting a copy of the document in the format to be used for attachments to the electronic-mail address designated by the attorney or the party who has filed a written consent for such manner of service.

**BY ELECTRONIC MEANS:** by electronically filing and serving with the court's vendor.

ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
CHARLES S. JACKSON, ESQ. Nevada Bar No.: 13158 RICHARD HARRIS LAW FIRM 801 South Fourth Street Las Vegas, Nevada 89101 Phone: (702) 444-4444 Fax: (702) 444-4455 <a href="mailto:Charlie@RichardHarrisLaw.com">Charlie@RichardHarrisLaw.com</a>	Plaintiff	<input type="checkbox"/> Personal service <input type="checkbox"/> Email service <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service <input checked="" type="checkbox"/> Electronic Means

I declare that under penalty of perjury under the laws of the State of Nevada that the above is true and correct. I further declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

\_\_\_\_\_  
/s/ Anne Raymundo  
An employee of BACKUS | BURDEN

BACKUS | BURDEN  
3050 SOUTH DURANGO  
LAS VEGAS, NEVADA 89117  
TELE: (702) 872-5555 FAX: (702) 872-5545